IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1689 OF 2001

Mini Vicky Paul .... Petitioner

versus

State of Maharashtra & ors. ... Respondents.

Shri R.K.Mendadkar for the petitioner.
Shri C.R.Sonawane AGP for Respondents.

CORAM; V.G. PALSHIKAR Acg.C.J. &
V.M. KANADE, J.

DATED; 20TH JULY, 2006.

P.C:

1. By this petition, the petitioner has challenged the order passed by Caste Certificate Scrutiny Committee, the Respondent o.2 herein, on 1-3-1999 whereby the caste certificate of the petitioner was held inoperative. Scrutiny of the order will show that the question as to whether the petitioner belongs to Koshti caste or not was not adjudicated upon, but only because the petitioner is a migrant from other State, it was held that the petitioner is not entitled to any concession falling under the certificate and, therefore, the validation was refused. It is consistent view taken by this court that the statutory duty casts on the caste certificate scrutiny Committee

is to decide the validity of caste certificate already issued to a claimant. Whether, after being a holder of the valid caste certificate, a person is entitled to any concession shown there from or not is not the scope of inquiry contemplated by the Caste Certificate Scrutiny Committee.

2. It is, therefore, imperative that the committee is directed to decide the claim of the petitioner of belonging to Koshti Caste with reference to the provisions of law already settled by this court and the Supreme Court of India. Consequently, the impugned order will have to be set aside.

3. In the result, the petitioner succeeds. The petition is allowed. The impugned order dated 1-3-1999 passed by respondent no.2 is set aside. Matter is remitted back to the Committee for consideration and adjudication of the petitioner's claim for validation of certificate in accordance with law and observations made herein before. Petition is accordingly disposed of.

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